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CLERK'S OFFICE

DEAR CLERK, 05 11474 REK

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MY NAME IS ABELARDO CUEVAS. I WAS SENTENCED AND CONVICTED IN THIS COURT FOR VIOLATIONS OF § 841 AND § 846 IN 1992.

DUE TO THE UNAVAILABILITY OF THE APPROPRIATE FORMS, AND THE TIME CONSTRAINTS IN LIGHT OF DOOD V. UNITED STATES, 04-5286, S. Ct. (2005), I AM RESPECTFULLY REQUESTING THAT THIS DOCUMENT BE ACCEPTED AS A 28 U.S.C. § 2255 MOTION TO VACATE PURSUANT TO SECTION 6(3) IN ORDER TO PRESERVE MY SIXTH AMENDMENT RIGHTS TO TRIAL BY JURY IN LIGHT OF BLAKELY V. WASHINGTON, S. Ct. (2005). MY RIGHTS WERE VIOLATED WHEN THE COURT SENTENCED AND CONVICTED ME BASED UPON 'RELEVANT CONDUCT', WHICH WAS NOT PROVEN TO THE JURY BEYOND A REASONABLE DOUBT, NOR LISTED IN THE INDICTMENT.

YOUR ASSISTANCE IN THIS MATTER WILL BE GREATLY APPRECIATED !

THANK YOU,

23 JUNE 2005

Abelardo Cuevas

MAGISTRATE JUDGE MJB

AMOUNT \$ NA
SUMMONS ISSUED NA
LOCAL RULE 4.1 -
WAIVER FORM -
MCF ISSUED -
BY DPTY. CLK. M.P.
DATE 7/2/2005